

Exhibit 103

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Jens Brochner - April 29, 2021

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MASTER DOCKET 18-MD-2865 (LAK)
CASE NO. 18-CV-09797

IN RE:)
)
)
CUSTOMS AND TAX ADMINISTRATION OF)
THE KINGDOM OF DENMARK)
(SKATTEFORVALTNINGEN) TAX REFUND)
SCHEME LITIGATION)
)
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REMOTE VTC VIDEOTAPED DEPOSITION UNDER ORAL
EXAMINATION OF
JENS BROCHNER
DATE: April 29, 2021

REPORTED BY: MICHAEL FRIEDMAN, CCR

CONFIDENTIAL
Jens Brochner – April 29, 2021

7 (Pages 22 to 25)

Page 22	Page 24
<p>1 Q And the Minister of Finance and the 2 Minister of Taxation are different people at 3 any given point in time. 4 Is that correct? 5 A Yes, that's correct. 6 Q And so, the Ministry of Finance and 7 the Ministry of Taxation are distinct and 8 separate from each other. 9 Correct? 10 MR. OXFORD: Object to the form. 11 A Yes, it's correct. But it's part 12 of the overall of all the ministries in 13 Denmark. 14 Q So each Ministry in Denmark is part 15 of the government of the Kingdom of Denmark. 16 Correct? 17 A Yes, that's correct. 18 Q And each Ministry is distinct and 19 separate from each other, and distinct and 20 separate from the Kingdom of Denmark. 21 Correct? 22 MR. OXFORD: Object to the form. 23 A That's not correct. That is -- you 24 cannot interpret it in that way. 25 Q Why is that not correct?</p>	<p>1 provides that revenue to the Ministry of 2 Finance. 3 Correct? 4 A So according to Danish constitution 5 or under the Danish constitution, the 6 government has to present a finance bill once 7 a year. And the finance bill includes all 8 the taxes, direct and indirect taxes, that 9 the SKAT is responsible for collecting. 10 And in the finance bill is all the 11 expenditure that the Danish government wants 12 to pay for. And formally, it's the Finance 13 Minister who presents the finance bill. 14 The taxes and revenues are 15 collected by the Ministry of Taxation, and 16 that's by law in Denmark. 17 Q And the Ministry of Taxation then 18 remits the tax revenue to the Ministry of 19 Finance to deposit into the public accounts. 20 Correct? 21 MR. OXFORD: Objection. 22 A The Ministry of Taxation collects 23 the funds and deposits the funds in the -- in 24 an account with the Danish Central Bank. So 25 the Finance Ministry is authorized to spend</p>
<p style="text-align: center;">Page 23</p> <p>1 MR. OXFORD: Objection. 2 A So we have government of Ministers 3 in Denmark. And each of the Ministers is a 4 part, or forms part, or is a member of the 5 Danish government. 6 And therefore, each Ministry is an 7 integral part of the Kingdom of Denmark. 8 Q The Ministry of Finance is 9 responsible for funding the government of the 10 Kingdom of Denmark. 11 Correct? 12 A That's not correct. So it's not 13 correct. 14 Revenues come from the Ministry of 15 Taxation, and it appears from the annual 16 finance bills. 17 Q So SKAT's job is to collect tax 18 revenue. 19 Correct? 20 MR. OXFORD: Object to form. 21 A Yes, it's correct. And it's not -- 22 it's correct, and it's -- in order to fund 23 the expenditure, the Danish government passes 24 legislation, yeah. 25 Q After SKAT collects tax revenue, it</p>	<p style="text-align: center;">Page 25</p> <p>1 the money according to the finance bill, the 2 money collected, as I explained. 3 Q Does the Ministry -- I apologize. 4 Are you done? 5 A I'm done. 6 Q Okay. Does the Ministry of Finance 7 have exclusive authority to spend the money 8 in that -- in that account with the Danish 9 Central Bank? 10 A So the Ministry of Finance has only 11 authority to spend money if it is under the 12 Finance -- to spend money under the Finance 13 Act that has been passed by the Danish 14 Parliament or a separate -- separate law that 15 has been passed by the Danish Parliament. 16 THE VIDEOGRAPHER: Stand by. The 17 time is 6:41 a.m. New York time and 18 we're going off the record. 19 (Whereupon a discussion was held 20 off the record.) 21 THE VIDEOGRAPHER: Stand by. The 22 time is 6:43 a.m. New York time and 23 we're back on record. 24 Q Does the money in the account in 25 the Danish Central Bank belong to SKAT?</p>

CONFIDENTIAL
Jens Brochner – April 29, 2021

8 (Pages 26 to 29)

Page 26	Page 28
<p>1 MR. OXFORD: Objection.</p> <p>2 A It belongs to the Kingdom of 3 Denmark. It's important to me to say that 4 you cannot pay any expenditure in Denmark 5 unless it's passed by law, it's been enacted 6 in Denmark, and that is through the finance 7 bill.</p> <p>8 And in the finance bill is a 9 specification of -- or appears the taxes, 10 direct and indirect taxes, and the Minister 11 of Taxation is responsible for collecting 12 those taxes.</p> <p>13 Q Does SKAT have any discretion as to 14 what to do with the money it collects?</p> <p>15 A No. Because, as I said before, the 16 expenditure must appear from the finance 17 bill.</p> <p>18 Q Is SKAT's budget set by the finance 19 bill?</p> <p>20 A Yes, that's correct.</p> <p>21 Q Okay. The amount of tax revenues 22 that SKAT collects each year varies, right, 23 varies from year to year?</p> <p>24 A Yes, the revenues may vary from 25 year to year, partly because of different</p>	<p>1 off the record.)</p> <p>2 THE VIDEOGRAPHER: Stand by. The 3 time is 6:50 a.m. New York time and 4 we're back on record.</p> <p>5 Q So the question was whether SKAT 6 has an obligation to pay a specific amount to 7 the Ministry of Finance in a particular year?</p> <p>8 MR. OXFORD: Objection to form.</p> <p>9 A I think the question is unclear.</p> <p>10 MR. OXFORD: Can you rephrase, 11 Alan? Maybe that will -- were you done?</p> <p>12 MR. SCHOENFELD: Sure.</p> <p>13 Q Whatever SKAT collects gets handed 14 over to the Ministry of Finance.</p> <p>15 Correct?</p> <p>16 A So it's collected and deposited in 17 an account with the Central Bank. And as I 18 said before, as I said, the authorization and 19 all expenditure is stated or included in the 20 finance bill.</p> <p>21 If there's one year where the 22 revenue does not correspond to the expected 23 revenue as in all -- like in all other 24 countries, it is reflected in the balance and 25 is reflected in the debts, national debt</p>
<p style="text-align: center;">Page 27</p> <p>1 cycles, economic cycles from year to year. 2 But the rules have been laid down by law, and 3 for an individual person with unchanged 4 income will pay the same tax year after year.</p> <p>5 Q But SKAT doesn't have an obligation 6 to pay specific amounts to the Ministry of 7 Finance in a particular year.</p> <p>8 Correct?</p> <p>9 MR. OXFORD: Objection.</p> <p>10 A I think the question is unclear. 11 The Ministry of Taxation has an obligation to 12 collect taxes, direct and indirect taxes. 13 Yeah.</p> <p>14 So the Ministry of Taxation has an 15 obligation to collect taxes according to 16 applicable rules. And these revenues appear 17 from the finance bill.</p> <p>18 MR. OXFORD: Could I just 19 interject? I think we have a little 20 issue with the translation. Can we go 21 off the record for a moment?</p> <p>22 THE VIDEOGRAPHER: Stand by. The 23 time is 6:49 a.m. New York time and 24 we're going off the record.</p> <p>25 (Whereupon a discussion was held</p>	<p style="text-align: center;">Page 29</p> <p>1 account. And in the finance bill is expected 2 revenue and expected expenditure, and the 3 difference is the public sector deficit or 4 surplus.</p> <p>5 Q Does SKAT suffer any direct 6 financial loss if there's a shortfall in tax 7 collections?</p> <p>8 MR. OXFORD: Objection to the form.</p> <p>9 A So SKAT is an integral part of the 10 Danish government, and therefore, there's a 11 loss to the Danish population, the people of 12 Denmark, if revenues are not as anticipated.</p> <p>13 Q Okay. All right. Let's go back to 14 your arrival at SKAT in 2012.</p> <p>15 MR. OXFORD: Objection to the form.</p> <p>16 I think you mean the Ministry.</p> <p>17 Q So when you arrived at the Ministry 18 of Taxation in 2012, what were your 19 responsibilities?</p> <p>20 A I was hired as a permanent 21 secretary.</p> <p>22 Q And so, as permanent secretary, 23 what were your responsibilities?</p> <p>24 A I was the top administrative 25 employee, public employee. I was the top</p>

CONFIDENTIAL
Jens Brochner - April 29, 2021

27 (Pages 102 to 105)

Page 102	Page 104
<p>1 you please repeat the question?</p> <p>2 Q Is it a man or a woman?</p> <p>3 A It must be a lady, a woman.</p> <p>4 Q In what context do you recall her 5 name coming up?</p> <p>6 A As one of the employees, head of 7 departments, or entities that were included 8 in this case.</p> <p>9 Q Mr. Brochner, can you -- could you 10 please turn to Tab 3004 in your binder -- I 11 apologize, no. Tab 3005.</p> <p>12 MR. SCHOENFELD: Mark this as 3005.</p> <p>13 (Whereupon the above mentioned was 14 marked for Identification.)</p> <p>15 A So it's a memo of the system, the 16 8th of August, '14.</p> <p>17 A Is that correct?</p> <p>18 Q Correct.</p> <p>19 A So we have it.</p> <p>20 Q Mr. Brochner, does this form of 21 memorandum look familiar to you?</p> <p>22 A No, it isn't. But I can see that 23 on the page, what it concerns.</p> <p>24 Q Okay. In the upper right-hand 25 corner, as I understand it, it says,</p>	<p>1 I think you exactly understand the structure of 2 SKAT at the time.</p> <p>3 The Recovery area has separate 4 directors, as -- yeah. So Recovery is a 5 separate director area. It has a separate 6 director and so does Payment and Accounts.</p> <p>7 THE INTERPRETER: Is that correct?</p> <p>8 Q Yeah.</p> <p>9 Q To the best of your knowledge, who 10 would have reviewed this report after its 11 production?</p> <p>12 MR. OXFORD: Object to the form.</p> <p>13 A That would have been the director 14 of Payment and Accounts.</p> <p>15 Q And it's -- do you understand the 16 reference to "SAP 38" in the first sentence?</p> <p>17 A It's an abbreviation of the system 18 that's used to prepare SKAT's accounts.</p> <p>19 Q Okay. So lower down on the page --</p> <p>20 A The headline --</p> <p>21 THE INTERPRETER: He's adding 22 something.</p> <p>23 A And the headline is also approval 24 of accounts. It's the headline of the letter 25 of the report.</p>
<p style="text-align: center;">Page 103</p> <p>1 "Recovery, Payment, and Accounting." 2 A Is that right?</p> <p>3 Q Yes, that's correct.</p> <p>4 Q What is "Recovery?"</p> <p>5 A So it's the area in SKAT that 6 belongs to the department, Payment 7 and -- Payment and Accounts. And the top of 8 the -- of that area is a member of the 9 executive board of SKAT.</p> <p>10 Q What is the function of the 11 Recovery area?</p> <p>12 A It's an area of SKAT that is to 13 collect tax debt that has not offhand been 14 paid.</p> <p>15 Q Can you explain that?</p> <p>16 A It's -- yeah. So it's -- they are 17 to recover unpaid taxes, so payment and taxes 18 at deputy director area, underneath, ranking 19 below Recovery, the Recovery department.</p> <p>20 Q You said that Recovery is meant to 21 assist with the collection of tax debt that 22 has not offhand been paid.</p> <p>23 A Is that correct?</p> <p>24 Q MR. OXFORD: Objection to form.</p> <p>25 A Yes, that's correct. But I don't</p>	<p style="text-align: center;">Page 105</p> <p>1 Q That's the title of the report for 2 the period ending July 2014?</p> <p>3 A Yeah, that's correct.</p> <p>4 Q So is this report seeking approval 5 of something or is it approving something?</p> <p>6 MR. OXFORD: Object to form.</p> <p>7 A So it approves the accounts for 8 July 2014. And it says that the accounts are 9 correct.</p> <p>10 Q Which particular accounts?</p> <p>11 A So it's for dividends.</p> <p>12 Q The report notes that as of 13 July 31, 2014, 4.8 billion kroner has been 14 paid out in reimbursement to foreign 15 shareholders.</p> <p>16 A Is that right?</p> <p>17 A Yes, that's correct.</p> <p>18 Q And it then says that for the 19 entire year of 2013, 2.8 billion kroner was 20 paid out?</p> <p>21 A Yes, that's correct.</p> <p>22 Q It then says that one reason for 23 this increase may be that several U.S. 24 pension funds are purchases in Danish 25 companies.</p>

CONFIDENTIAL
Jens Brochner – April 29, 2021

29 (Pages 110 to 113)

Page 110	Page 112
<p>1 certain that twice there was an investigation 2 of the increase in dividend refunds in 2014. 3 And that's probably the background for how 4 it's stated in this memo and the two last 5 paragraphs on the first page.</p> <p>6 Q So it was -- I apologize. Go 7 ahead.</p> <p>8 A You'd have to make an investigation 9 to make a conclusion that's stated in the 10 memo in these two paragraphs.</p> <p>11 Q So you said that you were aware 12 that there was two investigations of the 13 increase in 2014. And one of them you say 14 predated this memo.</p> <p>15 Correct?</p> <p>16 A I'd like to make it clear that with 17 the knowledge I've got after August '15, 18 there were presumably two investigations 19 being -- that were made to find out why there 20 was such an increase in dividend refunds or 21 dividend tax refunds.</p> <p>22 Q Are there documents reflecting 23 these two investigations from 2014 about the 24 increase in dividend withholding tax refunds?</p> <p>25 A I don't recall what written</p>	<p>1 A Well, that's correct. 2 Q And do you recall specifically 3 where the tip came from? 4 A No, I don't remember that. But it 5 was our nation's feeling that other states 6 were assisting Denmark.</p> <p>7 Q Do you recall the date when you 8 learned about the tip that SKAT had received? 9 A As I said before, the director of 10 SKAT called me on Wednesday or Thursday 11 evening. I think it was -- it was around the 12 20th of August.</p> <p>13 And he said that on the basis of 14 this tip, they had stopped disbursement of 15 refunds of dividend withholding tax.</p> <p>16 Q So you first learned about this 17 after SKAT had stopped paying refunds.</p> <p>18 Is that correct?</p> <p>19 A Yes, that's correct.</p> <p>20 Q Do you know how long it was between 21 when SKAT first learned about the potential 22 fraud from a tipster and when it shut down 23 the refund process?</p> <p>24 A So, again, best of my recollection, 25 the tip was received in early July, and they</p>
Page 111	Page 113
<p>1 material is available on that. But this memo 2 covers an approval of accounts on, of, or for 3 July 2014.</p> <p>4 And the two last paragraphs on the 5 first page make a conclusion on an 6 investigation of why there was an increase.</p> <p>7 Q Sitting here today, are you aware 8 of any steps that were taken in response to 9 these two investigations concerning the 10 increase in refunds being paid to U.S. 11 pension plans?</p> <p>12 A I think I have answered this 13 already. But in order to assess this based 14 on -- on this conclusion, to make an 15 investigation, you have to -- they have 16 looked into the formal third-party 17 documentation received from the custodian 18 banks in order to confirm that it was U.S. 19 pension funds, pension plans.</p> <p>20 Q Okay. You referenced earlier a tip 21 that SKAT received in June of 2015 regarding 22 a potential fraud.</p> <p>23 Correct?</p> <p>24 MR. OXFORD: Objection. Misstates 25 the witness' testimony.</p>	<p>1 stopped disbursement in August -- in early 2 August.</p> <p>3 Q So it was a pretty quick turnaround 4 between the tip and shutting down the 5 process.</p> <p>6 Is that right?</p> <p>7 A I think at least some people in 8 Denmark thought that it was too long a time.</p> <p>9 Q Do you know what the process was 10 between the tip and SKAT shutting down the 11 refund process.</p> <p>12 Do you know what happened in those 13 few weeks?</p> <p>14 A So, no. The tip was -- was very 15 specific, so there was a possibility of 16 investigating it. But even after the stop, 17 there was very close collaboration and work 18 with the police, and it was not very easy for 19 SKAT or for SOIK, which is the Special 20 Economic Department of Danish Police, to find 21 out what happened in this matter.</p> <p>22 Q Had SKAT reached a conclusion about 23 what had happened in this matter at the time 24 it decided to shut down the process?</p> <p>25 A No.</p>